

Regular Session, 2010

SENATE BILL NO. 503

BY SENATOR CLAITOR

ADMINISTRATIVE PROCEDURE. Provides that the Department of Public Safety and Corrections is the only proper party defendant involving the judicial review of department administrative decisions. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 15:1177(A)(1)(b), relative to judicial review of certain  
3 administrative actions; to provide that the Department of Public Safety and  
4 Corrections is the only proper party defendant involving the judicial review of  
5 department's administrative decisions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:1177(A)(1)(b) is hereby amended and reenacted to read as  
8 follows:

9 §1177. Judicial review of administrative acts; exception

10 A. Any offender who is aggrieved by an adverse decision, excluding  
11 decisions relative to delictual actions for injury or damages, by the Department of  
12 Public Safety and Corrections or a contractor operating a private prison facility  
13 rendered pursuant to any administrative remedy procedures under this Part may,  
14 within thirty days after receipt of the decision, seek judicial review of the decision  
15 only in the Nineteenth Judicial District Court or, if the offender is in the physical  
16 custody of the sheriff, in the district court having jurisdiction in the parish in which  
17 the sheriff is located, in the manner hereinafter provided:

1 (1)(a) \* \* \*

2 (b) ~~In a judicial review of a disciplinary action taken against an offender by~~  
 3 ~~the Department of Public Safety and Corrections or a contractor operating a private~~  
 4 ~~prison facility, the only proper party defendant is the department.~~ **The only proper**  
 5 **party defendant is the Department of Public Safety and Corrections when**  
 6 **seeking judicial review of an administrative decision, excluding decisions**  
 7 **relative to delictual actions for injury or damages, rendered pursuant to any**  
 8 **administrative remedy procedures under this Part. For the purpose of this**  
 9 **Subsection, the Department of Public Safety and Corrections means a**  
 10 **correctional facility operated by the state of Louisiana or the Louisiana**  
 11 **Correctional Facilities Corporation housing offenders sentenced to the custody**  
 12 **of the Department of Public Safety and Corrections.**

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The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

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#### DIGEST

Claitor (SB 503)

Present law provides that in a judicial review of a disciplinary action taken against an offender by the Department of Public Safety and Corrections or a contractor operating a private prison facility, the only proper party defendant is the department.

Proposed law removes present law and provides that the only proper party defendant is the Department of Public Safety and Corrections when seeking judicial review of an administrative decision, excluding decisions relative to delictual actions for injury or damages, rendered pursuant to any administrative remedy procedures under this Part. For the purpose of present law, the department means a correctional facility operated by the state or the Louisiana Correctional Facilities Corporation housing offenders sentenced to the custody of the department.

Effective August 15, 2010.

(Amends R.S. 15:1177(A)(1)(b))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Technical Legislative Bureau amendments.